

**IN THE CLAIMS:**

Please amend the claims as follows.

Claim 1 (Original): An optical pickup device driven by an error signal comprising:

a grating element for receiving a light beam to create zero order diffracted light,  $\pm$  first order diffracted light and  $\pm$  second order diffracted light when the light beam passes through the grating element;

an optical system for focusing the zero order,  $\pm$  first order and  $\pm$  second order diffracted light on a recording surface of an optical recording medium so as to form a spot of the zero order diffracted light on a first track extending on the recording surface, spots of the  $\pm$  second order diffracted light on tracks adjacent to the first track, and spots of the  $\pm$  first order diffracted light between the spot of the zero order diffracted light and the spots of the  $\pm$  second order diffracted light; and

an optical detector having first to fifth independent light-receiving elements, the first light-receiving element being adapted to receive returning light from the spot of the zero order diffracted light, the second and third light-receiving elements being adapted to receive returning light from the spots of the  $\pm$  first order diffracted light, and the fourth and fifth light-receiving elements being adapted to receive returning light from the spots of the  $\pm$  second order diffracted light, to produce output signals used to create an error signal.

Claim 2 (Original): The optical pickup device of claim 1, wherein the first light-receiving element includes four independent light-receiving portions adjacent to each other and partitioned

by two division lines intersecting each other perpendicularly, one of the division lines being parallel to a track extending direction.

Claim 3 (Original): The optical pickup device of claim 1, wherein each of the second to fifth light-receiving elements includes at least two independent light-receiving portions adjacent to each other and partitioned by a division line extending substantially parallel to a track extending direction.

Claim 4 (Original): The optical pickup device of claim 1 further including:

- a first tracking error signal calculation circuit connected with the first light-receiving element for creating a first tracking error signal based on the output signal from the first light-receiving element;
- a second tracking error signal calculation circuit connected with the first to third light-receiving elements for creating a second tracking error signal based on the output signals from the first to third light-receiving elements; and
- a third tracking error signal calculation circuit connected with the first, fourth and fifth light-receiving elements for creating a third tracking error signal based on the output signals from the first, fourth and fifth light-receiving elements.

Claim 5 (Original): The optical pickup device of claim 4 further including:

- determination means for determining a structure of the optical recording medium including a predetermined track pitch; and

selection means for selecting one of the first, second, and third tracking error signals in accordance with the determined structure of the optical recording medium.

Claim 6 (Original): The optical pickup device of claim 5, wherein the selection means selects the first tracking error signal when the optical recording medium is a read-only medium.

Claim 7 (Original): The optical pickup device of claim 5, wherein the selection means selects the second tracking error signal when the optical recording medium has a groove recording structure.

Claim 8 (Original): The optical pickup device of claim 5, wherein the selection means selects the third tracking error signal when the optical recording medium has a land-groove recording structure.

Claim 9 (Original): The optical pickup device of claim 1 further including a crosstalk cancellation circuit connected with the first, fourth and fifth light-receiving elements for reducing an amount of crosstalk in the output signal from the first light-receiving element and originating from signals from adjacent tracks, based on the output signals from the fourth and fifth light-receiving elements.

Claim 10 (Original): The optical pickup device of claim 1 further including an optical element for astigmatizing at least the returning light from the spot of the zero order diffracted light.

Claim 11 (Currently Amended): The optical pickup device of claim 10, wherein the optical element is a cylindrical lens positioned in an optical path of the returning light of the zero order diffracted light such that a center axis of the cylindrical lens extends at an angle of  $45^\circ$  to a track extending direction on the optical recording ~~recording~~ medium.

Claim 12 (Original): An apparatus comprising:

means for receiving a light beam from a light source to create zero order diffracted light,  $\pm$  first order diffracted light and  $\pm$  second order diffracted light;

means for focusing the zero order,  $\pm$  first order and  $\pm$  second order diffracted light on a recording surface of an optical recording medium so as to form a spot of the zero order diffracted light on a first track extending on the recording surface, spots of the  $\pm$  second order diffracted light on tracks adjacent to the first track, and spots of the  $\pm$  first order diffracted light between the spot of the zero order diffracted light and the spots of the  $\pm$  second order diffracted light; and

means having first to fifth light-receiving means, the first light-receiving means being adapted to receive returning light from the spot of the zero order diffracted light, the second and third light-receiving means being adapted to receive returning light from the spots of the  $\pm$  first order diffracted light, and the fourth and fifth light-receiving means being adapted to receive returning light from the spots of the  $\pm$  second order diffracted light, to create output signals used to prepare an error signal to drive the apparatus.

Claim 13 (Original): The apparatus of claim 12, wherein the first light-receiving means includes four independent light-receiving portions adjacent to each other and partitioned by two division lines intersecting each other perpendicularly, one of the division lines being parallel to a track extending direction.

Claim 14 (Original): The apparatus of claim 12, wherein each of the second to fifth light-receiving means includes at least two independent light-receiving portions adjacent to each other and partitioned by a division line extending substantially parallel to a track extending direction.

Claim 15 (Original): The apparatus of claim 12 further including:

- means for creating a first tracking error signal based on the output signal from the first light-receiving means;
- means for creating a second tracking error signal based on the output signals from the first to third light-receiving means; and
- means for creating a third tracking error signal based on the output signals from the first, fourth and fifth light-receiving means.

Claim 16 (Original): The apparatus of claim 15 further including:

- determination means for determining a structure of the optical recording medium; and
- selection means for selecting one of the first, second, and third tracking error signals in accordance with the determined structure of the optical recording medium.

Claim 17 (Original): The apparatus of claim 16, wherein the selection means selects the first tracking error signal if the optical recording medium is a read-only medium, selects the second tracking error signal if the optical recording medium has a groove recording structure, and selects the third tracking error signal if the optical recording medium has a land-groove recording structure.

Claim 18 (Original): The apparatus of claim 12 further including means for reducing an amount of crosstalk in the output signal from the first light-receiving means and originating from signals from adjacent tracks, based on the output signals from the fourth and fifth light-receiving means.

Claim 19 (Original): The apparatus of claim 12 further including astigmatic means for astigmatizing at least the returning light from the spot of the zero order diffracted light.

Claim 20 (Original): The apparatus of claim 19, wherein the astigmatic means is a cylindrical lens positioned in an optical path of the returning light of the zero order diffracted light such that a center axis of the cylindrical lens extends at an angle of 45° to a track extending direction.